

The Parties in the above-captioned matter, Plaintiff, Charu Desai, M.D.; Defendants, UMass Memorial Medical Center, Inc., UMass Memorial Medical Group, Marlborough Hospital, Max Rosen, M.D., Darren Brennan, M.D., Stephen Tosi, M.D., Karin Dill, M.D. (collectively “UMass Memorial”); and Defendant University of Massachusetts Medical School (“Medical School”); hereby jointly move this Honorable Court for an extension of the Scheduling Order dates by an additional four (4) months to allow sufficient time to complete the significant discovery involved in this case. In support of this Motion, the Parties state as follows:

1

discovery is to be completed by February 28, 2021. Moreover, it sets out the following pre-trial deadlines:

- a. All requests for production of documents and interrogatories must be served by 12/1/20.
- b. All requests for admission must be served by 1/2/21.
- c. All depositions, other than expert depositions, must be completed by 2/28/21.
- d. Fact Discovery - Final Deadline. All discovery, other than expert discovery, must be completed by 2/28/21.
- e. Plaintiff(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by 4/1/21.
- f. Plaintiff(s)' trial experts must be deposed by 5/30/21.
- g. Defendant(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by 6/30/21.
- h. Defendant(s)' trial experts must be deposed by 9/1/21.
- i. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by 10/1/21.

2. Discovery in this matter is ongoing. Since the Court issued its Order amending the Scheduling Order, the Parties have acted in a reasonably diligent fashion to conduct discovery. As stated in the Parties' prior Joint Motion to Extend Scheduling Order (Dkt. No. 42), both sides have served written discovery requests.

3. The Parties had provisionally agreed to attempt to resolve this matter through private mediation and therefore initially limited discovery to information likely to be most relevant to mediation. After conducting limited discovery, however, the Plaintiff elected to postpone

mediation in order to conduct additional discovery before proceeding to same. As a result, the UMass Memorial Defendants will produce documents responsive to Plaintiff's Requests for Production of Documents no later than December 18, 2020; the UMass Memorial Defendants will respond to Plaintiff's Interrogatories by December 18, 2020.

4. In the meantime, however, the Parties' have made good faith efforts to advance discovery despite the challenges caused by the COVID-19 pandemic (i.e., by conducting depositions virtually). Defendants conducted Plaintiff's deposition on September 18, 2020 and October 22, 2020. (The second day of Plaintiff's deposition was postponed as counsel was required to quarantine as a result of exposure to the Coronavirus.)

5. Plaintiff deposed Carla Carten, Ph.D. on November 23, 2020. Plaintiff has additionally noticed the deposition of Defendant Max Rosen, M.D., to occur after Defendants respond to Plaintiff's written discovery requests; the Parties have not yet agreed on a date.

6. Despite the Parties' best efforts, given the significant discovery in this matter, the Parties do not anticipate being able to complete all fact discovery by the current deadline of February 28, 2021.

7. Accordingly, the Parties respectfully request that the Court extend all the applicable deadlines in the Amended Scheduling Order by an additional four (4) months to provide the Parties with sufficient time to complete discovery, as set forth below:

- a. All requests for production of documents and interrogatories must be served by 4/1/20.
- b. All requests for admission must be served by 5/1/21.
- c. All depositions, other than expert depositions, must be completed by 6/30/21.

- d. Fact Discovery - Final Deadline. All discovery, other than expert discovery, must be completed by 6/30/21.
  - e. Plaintiff(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by 8/1/21.
  - f. Plaintiff(s)' trial experts must be deposed by 9/30/21.
  - g. Defendant(s)' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by 10/30/21.
  - h. Defendant(s)' trial experts must be deposed by 1/1/22.
  - i. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by 2/1/22.
8. The Parties maintain that this requested extension is reasonable and that good cause has been shown for their Joint Motion.

WHEREFORE, the Parties jointly respectfully request that the Scheduling Order dates in this matter be extended by four (4) months.

Respectfully submitted,

**CHARU DESAI**

By her attorneys,

/s/ Brendan T. Sweeney

Patricia A. Washienko, BBO # 641615  
[pwashienko@fwlawboston.com](mailto:pwashienko@fwlawboston.com)  
Brendan T. Sweeney, BBO # 703992  
[bsweeney@fwlawboston.com](mailto:bsweeney@fwlawboston.com)  
Freiberger & Washienko, LLC  
211 Congress Street, Suite 720  
Boston, Massachusetts 02110  
Telephone: 617-723-0008  
Fax: 617-723-0009

**UNIVERSITY OF MASSACHUSETTS  
MEDICAL SCHOOL**

By its attorney,

/s/ Mark A. Johnson (by BTS)

Mark A. Johnson, BBO # 651271  
Denise Barton, BBO # 675245  
University of Massachusetts  
Office of the General Counsel  
333 South Street, 4<sup>th</sup> Floor  
Shrewsbury, MA 01545  
(774) 455-7300  
[dbarton@umassp.edu](mailto:dbarton@umassp.edu)  
[majohnson@umassp.edu](mailto:majohnson@umassp.edu)

Dated: December 1, 2020

**UMASS MEMORIAL MEDICAL CENTER,  
INC.; UMASS MEMORIAL MEDICAL  
GROUP; MARLBOROUGH HOSPITAL;  
MAX ROSEN, MD; DARREN BRENNAN,  
MD; STEPHEN TOSI, MD; and KARIN  
DILL, MD**

By their attorneys,

/s/ Reid M. Wakefield (by BTS)

Robert L. Kilroy, BBO # 636853  
Reid M. Wakefield, BBO # 569026  
Mirick, O'Connell, DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581  
Phone 508.860.1474  
Fax 508.983.6261  
[rkilroy@mirickoconnell.com](mailto:rkilroy@mirickoconnell.com)  
[rwakefield@mirickoconnell.com](mailto:rwakefield@mirickoconnell.com)

CERTIFICATE OF SERVICE

I, Brendan T. Sweeney, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/ Brendan T. Sweeney

Brendan T. Sweeney

Dated: December 1, 2020